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ADMITTED IN NM*, NJ, NY*, NOTX*
*FEDERAL COURTS ONLY

October 23, 2007

HON. KENNETH M. KARAS
U.S. District Court
300 Quarropas St., Chambers 533
White Plains, NY 10601

MEMO ENDORSED

OCT 24 2007

RE: Zager v. TD BANKNORTH, N.A.
Case No.: 07-7500

Dear Judge Karas:

USDS.SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Pursuant to Your honor's individual practices, Plaintiff requests a Pre-Motion conference to submit a Motion pursuant to Federal Rule of Civil Procedure 23, to Certify this lawsuit as a Class Action, against TD BANKNORTH for improper ATM fees. The proposed class is defined as all individuals who:

Have or had "No ATM Fees" Debit Cards from TD BANKNORTH and were charged any fees for the use of the "No ATM Fees" Debit Card, at any time from four years preceding the date the complaint was filed in this action to the present.

The instant action meets the requirements for class certification in that:

- (1) the class is so numerous that joinder of all members is impracticable
- (2) there are questions of law and fact common to the class
- (3) the claims or defenses of Plaintiff are typical of the claims or defenses of the class; and
- (4) Plaintiff will fairly and adequately protect the interests of the class.

The instant action also meets the requirements of Rule 23(b)(1)(A), in that the prosecution of separate actions by or against individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class.

Therefore, It is respectfully requested that a Pre - Motion conference be set and that Your Honor allow Plaintiff to file a Motion for Class Certification.

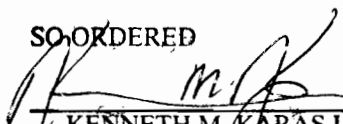
Respectfully yours,


Shmuel Klein
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cc: Angelo A. Stio III, Attorney for TD BANKNORTH

The Court will hold a pre-motion conference on ~~December~~ 7, 2007, at 11:00. Defendant is to respond to this pre-motion letter by November 9.

SO ORDERED


KENNETH M. KARAS U.S.D.J.
11/2/07